

**MINUTES**  
**November 1, 2005**  
**City Services Committee**  
**City of Batavia**

Chairman Volk called the meeting to order at 7:30 p.m.

**1. Roll Call**

**Members present:** Aldermen Volk, Vance, Wollnik, Barnard, Liva, Frydendall, and Dietz

**Members absent:** None

**Also present:** Aldermen Schmitz, Sparks, Clark, and Wolff; Mayor Schielke; Bill McGrath, City Administrator; Greg Thrun, Police Commander; Bill Darin, Fire Chief; Rod Oxe, Assistant Fire Chief; Scott Haines, Street Superintendent; Kathy Montanari, Recording Secretary

**2. Approval of Minutes**

**Motion:** To approve the following City Services Committee minutes:

- October 4, 2005
- October 20, 2005

**Maker:** Vance

**Second:** Barnard

**Voice vote:** 7 Ayes, 0 Nays, Motion Carried

**3. Items Added/Removed/Changed**

Volk stated that that several residents of Haines Drive were in attendance and wished to speak about traffic issues. He requested that this issue be added to the agenda as Item 3A. In addition, a proposal from Mayor Schielke regarding movement of Engine 30 will be discussed under "Other."

**Motion:** To amend the agenda

**Maker:** Vance

**Second:** Liva

**Voice vote:** 7 Ayes, 0 Nays, Motion Carried

**3A. Haines Drive Traffic Issues**

Volk reported that he received an e-mail earlier in the week from Alderman Barnard about residents on Haines Drive having issues with traffic. They requested an opportunity to address the City Services Committee.

Dan O'Brien, 1567 Haines Drive, reported that residents have seen an increase in traffic flow on their street. Residents have observed reckless driving, stop sign violations, and mailboxes being hit. They are concerned about the safety of the 30-35 children who live in the neighborhood. O'Brien said the residents are willing to work with City officials to develop a solution to this issue.

Kristen O'Brien, 1567 Haines Drive, stated that the traffic volume on Haines remains high throughout the day. The street is a major cut-through for motorists to reach Randall Road. O'Brien said Haines Drive was not designed to be a cut-through street, and the volume and speed of cars have created a dangerous situation. Cars are hitting curbs or going into lawns and mailboxes are being hit. She recently learned that residents had previously tried to get the street blocked off but were unsuccessful.

Julie Stuttle, 1562 Haines Drive, asked how motorists could be deterred from using Haines Drive as a cut-through. She felt the new businesses on Randall Road had contributed to a greater volume of traffic on Haines. Stuttle said school children exiting buses frequently have difficulty crossing the street by her home.

O'Brien indicated that she had spoken with Sergeant Dixon of the Police Department. Due to the number of complaints received, traffic watches were done on Haines Court during October. There were 303 cars counted during a one-hour period on a particular Tuesday afternoon, which she felt was unacceptable for a residential neighborhood. Neighbors are concerned that the street will only become busier and something must be done.

Stuttle asked about the criteria for an arterial street and whether Haines Drive fits those criteria.

O'Brien asked if reduced speed limits would deter traffic from using Haines Drive, which is a very winding street.

Vance requested a history of the number of accidents and tickets written for that area, and Thrun said it would be prepared.

Thrun indicated that a traffic counter had been placed on Haines Drive earlier in the day. Traffic watches were conducted in October in response to residents' complaints about speeding vehicles and traffic volume. Officers monitored the area and took enforcement action, if necessary. On eight separate occasions, officers reported heavy traffic with the highest volume occurring on October 18 from 3:35-4:35 p.m. (303 vehicles). The average speed was 26 MPH, with the fastest being 30 MPH. Enforcement action was not taken, since there were no violations. All the officers conducting watches indicated that, due to the curves in the road, vehicles appeared to be traveling faster than 30 MPH. Thrun said 30 MPH may be too fast for the area, but officers cannot take action if a vehicle is within the speed limit.

Dietz asked if officers observed any reckless driving during the traffic watches, and Thrun said no. Officers reported that vehicles were traveling within the speed limit.

Frydendall asked how the traffic volume related to other streets. Thrun said traffic counts were recently done on North Avenue and Millview Drive. That data can be compared with the counts on Haines Drive. Thrun felt the traffic volume was impacted by construction on Randall Road, which causes people to use Mill Street/Haines Drive as a short cut. He suggested that the present traffic count, done during a construction

period, be repeated later to see if the heavy volumes continue. The device records the number of vehicles, as well as the speed.

Amy Lewen, 1507 Haines Drive, stated that her mailbox had been hit at least 20 times, and only one person ever stopped to notify her. She felt the 30 MPH speed limit was too high for vehicles to safely navigate the curves on Haines Drive. The past few times her box was hit, it was during the day when the pavement was dry. She suggested that a 15 MPH sign be placed on the curve to alert drivers.

Ginger Jackman, 1527 Haines Drive, felt most of the aggressive driving takes place late at night. Vehicles parked on the street have also been hit later in the day. She asked if the street could be blocked off near the theater exit. Volk responded that this would create a safety issue for the Fire and Police Departments. He explained that everyone who purchases gas pays motor fuel taxes, which are used to repair streets that are publicly owned. The City Services Committee will review the traffic counter data, which will not be impacted by the presence of a marked squad car, when it becomes available and work with the Police Department and traffic consultants to see what can be done. Volk said the City Council has found that posting 25 MPH signs does not affect traffic speeds. The most significant impact is usually from increased enforcement. This subject will be reviewed again at the City Services next meeting on November 22. Volk informed residents that the committee frequently gets requests from neighborhoods throughout the City, but wants any action to be truly meaningful. Jackman reported that most of the aggressive driving occurs between 10 p.m.-2 a.m.

Judy Riordan, 1552 Haines Drive, said she formerly resided in the south suburbs where police departments were allowed to ticket drivers for exceeding the speed limit by as little as 1 MPH; this was supported by the court system. She suggested that a campaign of ticketing motorists traveling a few miles over the speed limit would cause an immediate effect. Riordan also believed that a limit of 30 MPH was too high for Haines Drive.

Steve Alajoki, 1517 Haines Drive, stated that he no longer allows his children to play in their front yard since a car almost came through the front window of his home.

Jason McNeil, 1691 Haines Drive, stated that stop signs are routinely disobeyed at Haines Drive/Mill Street. He observed 30 consecutive vehicles go through the stop sign in just one day. Residents must back out of driveways very quickly to avoid being rear-ended.

Volk told the residents that perhaps traffic calming devices could be used. The committee has heard the complaints and will ask the Police Department to look into the situation. This issue will be placed on the November 22 City Services Committee agenda.

#### **4. Discussion: Fire Stations Progress**

Chief Darin reported that soil borings had been done and surveying work was nearly complete. He met the previous day with the architect and construction manager, who is

close to agreement on a contract with the City. The Planned Unit Development process will begin shortly.

Volk indicated that an open house would be held at the East Side Fire Station on Wednesday, November 2, at 7:00 p.m. The architect will present the drawings to Cottonwood Circle neighbors who had previously expressed concerns about the project.

Dietz asked if the soil boring tests revealed any negatives, and Darin said the report results were not yet available.

Barnard asked if any additional exteriors would be presented, and Darin said several different options (and costs) would be given to the committee.

Volk said he hoped to hold a meeting in late November or early December to review building materials and eliminate those the committee finds objectionable.

## **5. Discussion: Animal Control Issues**

Thrun reviewed his October 27, 2005 memo and presented a short videotape of a segment shown on Channel 7 News regarding "The Urban Coyote." He explained that sightings of coyotes on the southwest side of town prompted a resident to contact Alderman Miller suggesting that a trapper or professional exterminator be hired. Research indicates that relocation would be unsuccessful because coyotes regularly travel up to 20 miles while hunting. Experts have recommended that residents be more willing to accept coyotes, much like other wildlife. A local newspaper article suggested the best way to deal with the issue is removal of food sources and monitoring small pets at dawn when coyotes hunt. Thrun recommended that a public education campaign using the "Currents" newsletter be undertaken, rather than hiring a trapper to remove coyotes.

Volk mentioned that he was riding with a police officer when a call was received about a coyote pup hiding under a car. Kane County Animal Control responded in about 45 minutes and removed the animal. Thrun indicated that Animal Control would respond if a mean dog attacked a leashed dog. The proposed contract with Kane County Animal Control would allow them to respond to calls for sick, injured, or deceased animals that are in a resident's yard.

Wolff said he contacted Animal Control this summer about removing sick coyote pups from his neighborhood, but they would not respond. He subsequently made arrangements to relocate the coyotes himself. Wolff said he also received calls from Morton Street residents about coyotes in the neighborhood, because Animal Control would not become involved.

Vance supported sharing educational information with citizens, since she regularly receives calls from people who have lost their dogs to coyotes. The information could provide tips for residents, while stating that the City cannot take additional action.

Volk recommended placing information in "Currents" and possibly obtaining a videotape that could be shown on BATV. He said Batavia would always have coyotes in town given the fact it is bordered by several large, undeveloped lands.

#### **6. Resolution 05-98-R: Intergovernmental Agreement with Kane County Animal Control**

Thrun said he was requested to review the City's current arrangement with Kane County Animal Control, since a new contract had been proposed. The City has been paying \$400/month for animal control services for many years. Currently, Animal Control responds directly to citizen calls and handles the issue whenever possible. The new contract removes the flat fee and replaces it with a fee of \$155 per call. It also addresses the sick, injured, or deceased wildlife fees.

Allowing citizens to contact Animal Control directly would make it difficult to monitor and budget for activity in Batavia. Thrun learned that other nearby municipalities added a provision to the contract in which calls to Animal Control are directed to the municipality's police department. A police officer responds and determines if there is a need for Animal Control.

Thrun explained that Animal Control will collect dogs; clean/feed/house them; and return them to the owners, adopt, or euthanize them. He requested that the committee review the contract with the added provision that the Police Department must give authorization for Animal Control to be called.

Barnard asked what happens if Animal Control will not respond. Thrun explained that Animal Control will provide removal of sick or injured wildlife from outside a structure at ground level in an open area. Citizens with wildlife inside their homes must contact a private removal service. With respect to mean dogs, police officers can respond to make an assessment.

Frydendall noted that the City use to handle its own dog licensing, but is now prohibited from doing so by Kane County. Since Kane County already collects pet license fees from Batavia residents, which are supposed to be used for animal control issues, he felt this constituted double taxation.

In response to a question from Clark, Thrun explained that owners of a captured animal must pay the \$155 fee when they retrieve it.

Wollnik asked if there were other options for injured wildlife, since Animal Control does not have facilities for those animals. Thrun said Red Oak Nature Center has volunteers that will sometimes accept injured wildlife. Wollnik asked if residents could be given the option to contact wildlife rescue organizations.

McGrath asked how often Animal Control responds to calls in Batavia. Thrun said 11 calls were generated last February-April, many without police involvement. When responding to a call, police officers may be able to return a dog to its owner and enforce the "dog running at large" ordinance, all without the need to contact Animal Control.

McGrath recommended that the resolution be approved with the added provision, and the issue can be revisited later to see how well the new procedure works. Volk agreed that the City should take some type of action now to protect the City against excessive calls that would exceed the budget. He suggested that calls be tracked for a year so the issue could be analyzed. Volk asked that a list of shelters be developed so that police officers can provide different options for residents. McGrath said staff would research the licensing issue mentioned by Frydendall.

Barnard asked that guidelines be developed to address mean dogs in the event Kane County will not respond. Thrun indicated that Animal Control has always been responsive to police request to handle mean or vicious dogs.

In response to committee members' questions about cats, Thrun said the contract does not provide for cats.

Dietz asked how other animals would be handled, i.e., bats inside a residence. McGrath felt there was a large difference between an animal that is threatening people outside and one inside a person's house, which seems to be beyond the City's provenance. McGrath said the handout could include resources to handle unusual circumstances.

Liva agreed that the City should assess the need to contact Animal Control and felt police officers should not be responsible for managing canines. He suggested moving forward with approval of the resolution.

**Motion:** To recommend to City Council approval of Resolution 05-98-R, Authorizing an Intergovernmental Agreement with Kane County Animal Control  
**Maker:** Vance  
**Second:** Liva  
**Voice vote:** 7 Ayes, 0 Nays, Motion Carried

## **7. Resolution 05-97-R: 10-year Intergovernmental Agreement with IDOT**

Haines reviewed his October 21, 2005 memo. Ten-year agreements are signed with IDOT to provide reimbursement to the City for expenses associated with patching, crack sealing, plowing, and salting. Annual increases are based on the Construction Cost Index. Route 25 is covered from Fabyan Parkway to just south of Laurel, and Route 31 is covered from Fabyan Parkway to approximately Millview Drive.

**Motion:** To recommend to City Council approval of Resolution 05-97-R, 10-year Intergovernmental Agreement with State of Illinois, Department of Transportation, for Municipal Maintenance of State Highways in Batavia  
**Maker:** Vance  
**Second:** Wollnik  
**Voice vote:** 7 Ayes, 0 Nays, Motion Carried

Volk requested that this item be placed on the Consent Calendar of the City Council Agenda.

### **8. Resolution 05-96-R: Surplus Vehicles**

Thrun reviewed Chief Anderson's October 25, 2005 memo. Two vehicles are no longer usable by the Police Department and will be sent to auction after being declared surplus property.

**Motion:** To recommend to City Council approval of Resolution 05-96-R, Declaring Surplus Vehicles  
**Maker:** Vance  
**Second:** Barnard  
**Voice vote:** 7 Ayes, 0 Nays, Motion Carried

### **9. Ladder Truck Replacement Specifications – Federal Grant of \$585,000**

Chief Darin reviewed his October 27, 2005 memo. Assistant Chief Oxe and his committee have been working on specifications since August. A federal grant of \$585,000 was received to pay a portion of the cost for a new ladder truck. Four fixed-head scene lights were inadvertently omitted from the specifications and will be added at Mayor Schielke's request.

Volk said his questions and comments had already been addressed. He asked how many companies would receive the specifications, and Darin responded that they would be sent to at least five vendors: Seagrave, American LaFrance, Pierce, HME, and E-One. Specifications are also available to other vendors upon request.

Dietz asked if U.S. Tanker in Wisconsin would receive specifications, and Oxe said that company builds only tankers. He explained that the City is seeking single-source bidders (apparatus manufacturers who build everything from frame rails and up). This clarifies all warranty responsibilities. Darin noted that the Fire Department's fleet was purchased from single-source vendors.

Volk explained that bid specifications did not require City Council approval. When bids are received, the Fire Department committee will present a recommendation to the committee.

Dietz asked if all vendors could bid on the specifications, and Oxe said the committee did not use a particular manufacturer's specifications so no vendor would be precluded from bidding.

**Motion:** To authorize the Fire Department to seek bids for a new ladder truck  
**Maker:** Vance  
**Second:** Barnard  
**Voice vote:** 7 Ayes, 0 Nays, Motion Carried

Darin said bids would be opened December 12 and presented at the last City Council meeting in 2005. It will take approximately 10-12 months to receive the truck after the bid is approved.

### **10. Construction Manager Contract for Fire Station Project**

McGrath reviewed his October 27, 2005 memo. He updated the committee on negotiations with Sigalos and Associates regarding a contract for construction management services. An agreement has been reached but must be fine tuned to ensure it does not overlap or shortfalls with the architectural services contract.

McGrath explained that there are two components to construction management contracts: Fee and General Conditions. Staff did not feel comfortable with a lump sum cost, as it did not protect the City against the number of people on the job. The City elected to have a flat fee of \$426,000, based on a \$7.2 million project cost. Personnel costs are included in general conditions and have a not-to-exceed amount of \$406,000 over 12 months.

McGrath then highlighted various features of the contract covering bonding, responsibility for energy costs, and reimbursables. The total cost for construction management is approximately \$856,000, plus \$45,000 for reimbursables and energy. This is within the range of construction management fees paid by other municipalities for fire station projects. References for Sigalos are excellent and, given the complexity of the projects, McGrath recommended proceeding with the contract.

Vance asked if construction firms are typically reimbursed for costs plus 10%, and McGrath said this is standard practice.

In response to a question from Dietz about increases, McGrath explained that one of the primary reasons the architectural firm was chosen was its reputation for accuracy in cost forecasting. Volk noted that if conditions beyond the construction manager's control (weather, strikes, etc.) cause the construction period to exceed 12 months, there could be a request for additional fees. Dietz asked if there was still the potential for a change in scope. McGrath said no suggestions for changes were made at the last committee meeting when the project was reviewed; the only recommendations were for minor exterior changes. He emphasized the importance of having the construction manager involved early in the process. Volk said it was hoped that early involvement of a construction manager would save on building costs for the City. McGrath noted that a great deal of Sigalos' business was from repeat customers, and their on-budget completions were cited during their presentation.

McGrath said a resolution and contract for construction management services would be presented for approval at the November 21 City Council meeting. The amended architectural fees will be addressed at the same meeting.

**Motion:** To accept the construction management contract based on 12-13% of construction costs and authorize staff to bring forward a contract and resolution

**Maker:** Vance

**Second:** Barnard

**Voice vote:** 7 Ayes, 0 Nays, Motion Carried

### **11. Architect Fees for Fire Station Project**

McGrath reviewed his October 27, 2005 memo. The original contract for architectural services protected the City against increases in fees due to increases in the scope of the project, but it was not envisioned that the project would actually double in size. Due to uncertainties over how the scope enlarged, the architect recently presented a history of the project. The committee had a favorable impression of the work being done on the project, and the only issue remaining is a possible amendment of the design contract. The requested amount is 7.35% of construction costs, plus reimbursables, for an amount not to exceed \$532,713.

Vance commented that this issue had been thoroughly discussed at previous meetings. She believed the architect had dealt with the City in good faith, and the City should compensate them fairly for their work. Vance supported the amendment to the contract.

Wollnik said she originally misunderstood where the spaces had been increased and thought it had been in the garage area. However, after the review at the last meeting, she felt the fees were justified and should be approved.

**Motion:** To recommend to City Council authorization for staff to negotiate a new contract with the fire station architects for a fee that will be 7.35% of the new estimated cost, not to exceed \$532,713.00

**Maker:** Vance

**Second:** Wollnik

**Voice vote:** 7 Ayes, 0 Nays, Motion Carried

Dietz asked if this fee would take the City through the balance of the project; McGrath said yes, since the time frame did not affect the architects as much as it did the construction manager.

Liva asked if the percentage had been reduced from 7.5% to 7.35%. McGrath said this was correct and any reductions in scope would adjust the fees, as well.

This item will be considered at the November 21, 2005 City Council meeting.

### **12. Other**

#### **A. Movement of Engine 30**

Mayor Schielke explained that the City owns an antique 1948 American LaFrance fire engine, which is stored at the west side fire station. It will need to be relocated during

the upcoming fire station renovation/expansion. Schielke said he had been in discussions with the curator of the Aurora Regional Fire Museum, one of the leading fire department museums in the United States. They are interesting in borrowing the fire engine for two years to use in a fully enclosed exhibit on the main floor. As background, there was a major fire in Aurora on Easter Sunday in 1967 and that was the only time Aurora required a mutual aid company in their downtown station (this truck). Schielke requested authority from the committee to allow the City Attorney to work with the curator on an agreement to allow for a two-year loan of the vehicle to the Aurora Regional Fire Museum. After the two-year period ends, another discussion can be held as to whether it will be sent back; ownership will be retained by the City. This arrangement will benefit the City by providing a safe place for the fire engine during fire station renovations. The museum will handle liability insurance for injuries and has suggested Batavia maintain its own comprehensive insurance to cover any losses. A provision will be included in the agreement to allow for removal if the truck is needed for a parade or special event.

Wolff noted that it would be detrimental to leave the truck there for two years without running it.

Mayor Schielke said the fire museum will clean and maintain the truck, and their curator has been professionally trained.

**Motion:** To allow the City Attorney to negotiate a loan agreement with the Aurora Regional Fire Museum  
**Maker:** Vance  
**Second:** Liva  
**Voice vote:** 7 Ayes, 0 Nays, Motion Carried

### 13. Adjournment

A motion was made and seconded to adjourn the meeting at 9:11 p.m.

Minutes prepared by  
Kathy Montanari